

REMARKS

Applicant wishes to thank Examiner Robin A. Hylton for her time and effort during the telephonic interview with applicant's attorney, John M. Augustyn, on February 13, 2004. During the interview, the following items were discussed: the Office Action dated October 6, 2003; the references cited in the Office Action including U.S. 5,007,143 to Herrington and U.S. 3,578,239 to Perlman; independent claim 1; and an amendment to claim 1 as noted above.

The Office Action rejected claims 1-8, 15-23 and 30 under 35 USC § 103(a) over Herrington (U.S. 5,007,143) in view of Perlman (U.S. 3,578,239). Herrington is directed to plastic zipper profile and slider for a plastic bag. Herrington does not even mention whether the bag has a single side seal along the edges of the sidewalls. Consequently, Herrington neither discloses nor suggests a third side seal. Perlman is directed to bags which are used to shrink package frozen turkeys. (See Abstract). As discussed in the background, the prior art turkey bags were subjected to shock while loading the product, causing the bag to fail because of poor shock absorbing characteristics because the bag had insufficient bottom edge "shock absorbability" and/or "peelability" (Column 1, lines 71-75). In addition, the bag was heat shrunk upon the turkey and the heat shrinking cycle caused the prior art bags to tear when the adhesive had insufficient peelability. (Column 2, lines 4-9). Perlman is directed to these problems by using two adhesive bands such that the outer thermosetting adhesive imparts the required strength and heat resistance to the adhered section or band, while the inner thermoplastic adhesive imparts the desired "peelability". (Column 2, lines 31-42). The open end of the bag is sealed by a metal clip. (Column 4, lines 38-39). Perlman does not disclose or suggest the use of fastening strips for the bag. Consequently, the combination of Herrington and Perlman is not obvious to a person of ordinary skill in the art.

The Office Action rejected claims 9-11 and 24-26 under 35 USC § 103(a) over the prior art applied to claim 1 and further in view of Diplock (U.S. 6,190,043). Diplock is directed to a plastic front opening security envelope having a slot opening in the front panel and a tamper evident tape closure that seals along the slot opening after contents are placed through the slot into the envelope interior. (Abstract, lines 1-4). Diplock does not discuss the use of fastening strips and fastening strips would be contrary to the purpose of security

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envelope. Consequently, this combination of references would not be obvious to a person of ordinary skill in the art.

Conclusion

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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